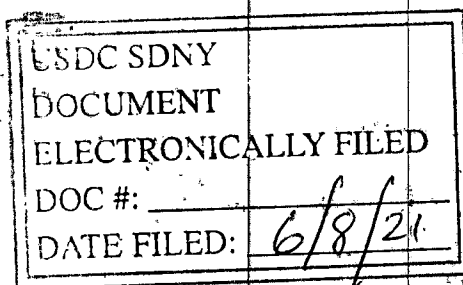


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

-against-

20 CR 659 (CM)

Jorge Espino Hernandez,
Pablo Valtierra Mata, and
Jose Herrera,

Defendants.

ORDER ADJOURNING CASE WHILE AWAITING ASSIGNMENT OF TRIAL DATE AND
SETTING SCHEDULE FOR THE FILING OF *IN LIMINE* MOTIONS
AND OTHER PRETRIAL DISCLOSURES

McMahon, J.:

This case is presently scheduled for a status conference on June 15, 2021, at 10:30 p.m. The Government and defendants have asked the Court to adjourn this matter while the Court awaits an answer to its request for a fourth quarter trial date, pursuant to the court's COVID-19 trial protocols. (Government letter dated June 7, 2021, ECF Document 39). The request is granted. The case is adjourned as to all defendants until September 23, 2021 at 2:30—speedy trial time is excluded as to all defendants, through September 23, 2021, in the interests of justice, to allow time for defense counsel to continue to review the discovery, prepare any possible pretrial motions, discuss pretrial dispositions with the Government, and to otherwise prepare for trial.

Defendant Espino Hernandez and Defendant Valtierra Mata consent to the exclusion of time. *Id.* Defendant Herrera would like to schedule trial as soon as possible and does not consent

to the exclusion of time. However, Herrera does not seek a conference before September 23, 2021. *Id.*

Given the court's continuing COVID restrictions it is not possible to obtain a trial date prior to the fourth quarter of 2021; all available trial dates during the third calendar quarter are taken, including back up slots. The court will put in for a fourth quarter trial date and hope that we receive one. If and when the court regains control over its trial calendar (which will likely be when it is safe enough to select multiple juries on the same day and to use regular jury rooms for deliberation), the court will assign a prompt trial date to this matter if we don't already have one through the central calendar.

Assuming for the moment that we get a trial date during the period October/ November/ December 2021, here is your schedule leading up to trial: Government's 404(b) disclosures and Government *in limine* motions by September 10, 2021; Defense *in limine* motions and response to Government *in limine* motions by September 24, 2021; Government's response to defendant's *in limine* motions by October 1, 2021; 3500 and *Giglio* material to be turned over to the defense 21 days prior to trial; the Court will schedule a final pre-trial conference 10 days prior to the assigned trial date.

June 8, 2021



Colleen McMahon
District Court Judge

BY ECF TO ALL COUNSEL